IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

THURSDAY, THE 22ND NOVEMBER 2007 / 1ST AGRAHAYANA 1929

WP(C).No. 34024 of 2007(A)

PETITIONER:

SARASWATHY KOVIL, W/O.LATE P.V.DIVAKARAN
VAYYAVANAT KIZHEKKEPATTU HOUSE,
PERASSANUR P.O., KUTTIPURAM VIA, MALAPPURAM.

BY ADV. SRI.SUNIL NAIR PALAKKAT
SRI.K.N.ABHILASH
SMT.R.LEELA

RESPONDENTS:
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1. THE SUPERINTENDENT OF POLICE,
S.P.OFFICE, MALAPPURAM.

2. CIRCLE INSPECTOR OF POLICE,
VALACHERRY POLICE STATION, MALAPPURAM DISTRICT.

3. SUB INSPECTOR OF POLICE, KUTTIPURAM,
MALAPPURAM.

4. PERASANUR PISHARIKKAL DURGA KHETRA
COMMITTEE, REPRESENTED BY ITS PRESIDENT,
MR.CHEMRAT VINOD KUMAR, PERASSANUR P.O.,
KUTTIPURAM VIA, MALAPPURAM.

BY Government Pleader MR.P A SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 22/11/2007, ALONG WITH WPC 34111/07, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 TRUE COPY OF THE PLAINT DT.19.7.2005 IN OS 208./05 ON THEF ILE OF THE MUNSIFF COURT, TIRUR

EXT.P2 TRUE COPY OF THE WRITTEN STATEMENT DT.16.8.2005 IN OS 208/05 ON THE FILEd OF THE MUNSIFF COURT, TIRUR

EXT.P3 TRUE COPY OF THE DOCUMENT NO.959/70 OF SRO, KUTTIPURAM DT.25.6.70

EXT.P4 TRUE COPY OF THE DOCUMENT NO.61/95 OF SRO, KUTTIPURAM DT.30.11.94

EXT.P5 TRUE COPY OF THE ORDER OF THE HIGH COURT IN WPC 16370/06 D5.19.9.06

EXT.P6 TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER BEFORE R3

EXT.P7 TRUE COPY OF THE REPRESENTATION DT.13.11.2007 SUBMITTED BEFORE R3

EXT.P8 TRUE COPY OF THE RECEIPT DT.14.11.2007 ISSUED BY R3

EXT.P9 TRUE COPY OF THE IA 1963/06 DT.10.10.2006 IN OS 208/05 ON THE FILE OF MUNSIFF COURT, TIRUR

EXT.P10 TRUE COPY OF THE NOTICE PUBLISHED BY THE 4TH RESPONDENT

TRUE COPY

PA TO JUDGE

K.BALAKRISHNAN NAIR & K.P.BALACHANDRAN, JJ.

Writ Petition (C) No.34024 & 34111 of 2007

Judgment

Balakrishnan Nair, J.

Writ Petition (C) No.34024/07

The petitioner claims ownership and possession over 65 cents of land in Kuttipuram. It is lying in front of a temple called Perasannur Pisharikkal Durga Bhagavathy Kshethram. The 4th respondent is the committee, managing the affairs of the said temple. There is a dispute between the petitioner and the 4th respondent, regarding the above said property. According to the petitioner, the said properly absolutely belongs to her. But the 4th respondent maintained that it is a property dedicated for the use of the temple. The matter is pending before the competent civil court. There is already an order from this Court to maintain status quo in the matter. This Writ Petition is filed, alleging that the 4th respondent committee and its activists are threatening the life of the petitioner. Though she has moved the Police, no help is extended from the side of the Police. Hence this Writ Petition, seeking protection to the life of the petitioner and her family members for a period of one week from 19.11.2007. She also

claims protection to enjoy Item No.3 property in Ext.P4 partition deed. The said property is the aforementioned 65 cents of land. The 4th respondent would submit that the disputed property is used for holding various rituals and other festivities in connection with the temple festival. The petitioner and her family members want to reduce it to their possession and sell it. They have no right to do that, it is submitted.

2. We feel that the Police cannot be assigned any role in this dispute. It has to be settled by the competent civil court. The allegation of the petitioner that there is threat to the life of her and her family members from the side of the functionaries of the 4th respondent is emphatically denied by the said respondent. This submission is recorded. If any body threatens the petitioner, while she is in her house or while she goes to the temple for taking darshan, she can inform the police and if the allegation of threat is found correct, the police shall take appropriate action. But, this order shall not be used by the petitioner to enter the disputed property and assert her rights over it or to interfere with the temple festivities. If the petitioner or her family members are causing any obstruction to the holding of the festival, the 4th respondent can inform the police. In that event, the police shall look into the same and take

necessary action.

The Writ Petition is disposed of as above.

Writ Petition (C) No.34111/07

3. In view of the Judgment in Writ Petition (C) No.34024/07, no further orders are required in this Writ Petition and it is accordingly closed. It is made clear that the directions issued in these cases will not affect the contentions of the parties before the civil court and the civil court shall not be bound or need not be influenced by the directions in this common Judgment, while taking a decision in the civil suit pending before it.

K.BALAKRISHNAN NAIR,JUDGE

22.11.2007 **K.P.BALACHANDRAN, JUDGE**

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